IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 1020 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RAFIK NANNAKHAN PATHAN

Versus

STATE OF GUJARAT

Appearance:

MS KD PARMAR for Petitioner

MR SAMIR DAVE, APP for Respondent No. 1

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 13/12/2000

ORAL JUDGEMENT

#. Rule. Mr. Samir Dave, APP, waives service of Rule on behalf of respondents.

#. On two grounds, the application made by the

petitioner for parole leave has been rejected. Firstly, it is stated that the ground given for grant of parole leave is not sufficient reason for the parole leave under the guidelines laid down by the Government. Second ground given is that police has adversely reported against the petitioner. His release on parole leave was stated to be likely to result in breach of peace.

#. It is unfortunate that copy of the adverse police report is not enclosed even to the order which is challenged in the special criminal application. Not only this the guidelines of the Government, reference of which has been made by the officer concerned are also not enclosed. The respondent is directed to furnish copy of both, the guidelines laid by the Government as well as adverse police report to the petitioner within two days. Thereafter, the petitioner is free to raise his objections against both these documents within period of three days from the date of receipt of these documents and then officer has to pass a reasoned order on the application within three days next. With these directions, this petition is dismissed. Rule discharged. No order as to costs.

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(sunil)